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AUG 0 5 2004

### PATENT APPLICATION Attorney Docket: 54391

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF APPEALS

Applicant:

Ward

Serial No.:

09/655,987

Filed:

9/6/2000

For:

Composition for Protecting

Work Surfaces from

Contamination

Group Art Unit:

1774

Examiner:

Dicus, Tamra

## NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Hon. Commissioner of Patents and Trademarks Washington, D.C. 20231.

Sir:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner finally rejecting Claims 1-8 and 19-28 dated 6/4/2004.

### 1. FEE and STATUS OF APPLICANT

Applicant is a small entity. Hence, the fee for filing this notice is \$165.00.

### 2. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 CFR apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### 3. TOTAL FEE DUE

Appeal Fee \$165

Extension fee (if any) \$
Total Fee Due \$165

### 4. FEE PAYMENT

Charge Account No. 23-0424 the sum of \$165

### 5. FEE DEFICIENCY

The Commissioner is hereby authorized to charge any fees which may be required in this application under 37 C.F.R. Section 1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 23-0424. This sheet is filed in duplicate.

I hereby certify that this paper (along with any others attached hereto) is being sent via facsimile to fax number: 703-872-9306

Calvin B. Ward

Low. W.

Registration No. 30,896

Date: Aug. 5, 2004

Law Offices of Calvin B. Ward 18 Crow Canyon Court, Suite 305 San Ramon, CA 94583 (925) 885-0413

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